

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Notification and Reportable Quantity List  
(LAC 33:I.3908, 3919, and 3931) (OS071)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.3908, 3919, and 3931 (Log #OS071).

This proposed rule requires the owner or operator of any source that releases an unauthorized amount of a toxic air pollutant at a rate greater than the reportable quantity listed in LAC 33:I.3931 to determine compliance with the appropriate ambient air standard listed in LAC 33:III.5112, Table 51.2, when the modeling is requested by the department. The modeling results are to be reported within the time frame specified by the department at the time the modeling is requested. This will allow the department to investigate unexplained air toxics monitored concentrations without a readily identifiable source. This rule also modifies the table of reportable quantities in LAC 33:I.3931 for total highly reactive volatile organic compounds (HRVOC). Review of the HRVOC unauthorized reports over the last several years indicates that ethylene and propylene represent the largest amount and frequency of HRVOC releases. The table at LAC 33:I.3931 will be modified to indicate reportable quantities for ethylene, propylene, and total HRVOC. The notification requirements for the discovery of groundwater contamination are being restored to the original intent of the regulations prior to the amendment of LAC 33:I.3919 in August 2004. The basis and rationale for this rule are to provide the department a mechanism for the investigations of air toxic pollutants ambient air standard violations, to update the groundwater contamination notification procedures, and to update the reportable quantities table regarding HRVOC.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 26, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS071. Such comments must be received no later than October 3, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS071. This regulation is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM  
Executive Counsel

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges**

**Subchapter A. General**

**§3908. Modeling**

A. Upon request of the administrative authority, the owner or operator of any source that emits any unauthorized release of any toxic air pollutant into the atmosphere at a rate greater than the reportable quantity in LAC 33:I.3931 shall determine the status of compliance with the applicable ambient air quality standards beyond the source's property line. The applicable ambient air standards are listed in LAC 33:III.5112, Table 51.2. The modeling results shall be submitted to the department within the time frame specified by the department at the time the modeling is requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.  
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.

**Subchapter C. Requirements for Prompt Notification**

**§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact**

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall promptly notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven days in accordance LAC 33:I.3923.

B. ~~Dischargers are not relieved from any requisite~~ shall submit a written notification procedures in accordance with LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).  
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office

of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 32:

## Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

### §3931. Reportable Quantity List for Pollutants

A. - A.2. ....

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	Synonym	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
<del>Acetaldehyde</del>	<del>Acetic aldehyde</del>	<del>75070</del>	<del>U001</del>	<del>100<sup>+</sup></del>
Allyl chloride	3-Chloropropene	107051		1000/10 <sup>@</sup>
Aniline	Aminobenzene	62533	U012	5000/1000 <sup>@</sup>
Antimony*		7440360		5000/100 <sup>@</sup>
Antimony compounds		20008		100
Barium*		7440393		100
Barium compounds		20020		100
<del>Butenes (all isomers)</del>		<del>25167673</del>		<del>100<sup>+</sup></del>
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 <sup>@</sup>
***				
[See Prior Text in Carbonic dichloride - Propylene]				
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
<del>Toluene</del>	<del>Methyl benzene</del>	<del>108883</del>	<del>U220</del>	<del>100<sup>+</sup></del>
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 <sup>@</sup>
Volatile organic compounds not otherwise listed <sup>4</sup>				5000
Only those highly reactive volatile organic compounds listed below: <del>acetaldehyde</del> ; <del>butenes (all isomers)</del> ; ethylene; and propylene; <del>toluene</del> ; <del>xylene (all isomers)</del> ; and/or isoprene <sup>5</sup>				100 <sup>+</sup>
***				
[See Prior Text in F003 - F005: Methyl ethyl ketone]				

\* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

\*\* The ~~combined~~ emissions of all glycol ethers shall be totaled to determine if a reportable quantity has been exceeded.

\*\*\* The ~~combined~~ emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded.

<sup>1</sup> Chemical Abstracts Service Registry Number.

<sup>2</sup> Resource Conservation and Recovery Act of 1976, as amended.

<sup>3</sup> Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).

<sup>4</sup> The ~~combined~~ emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. *VOC* is defined in LAC 33:III.111, and exempt compounds are listed in LAC 33:III.2117.

<sup>5</sup> The ~~combined~~ emissions of these highly reactive VOC shall be totaled to determine if an RQ has been exceeded.

<sup>@</sup> The first RQ listed denotes the reportable quantity~~ies~~ that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantity~~ies~~ that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

<sup>†</sup> The RQ listed denotes the reportable quantity~~ies~~ that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

<sup>#</sup> RQ for the state except the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:\*\*.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**LOG #: OS071

Person

Preparing

Statement: Jodie L. AlexisDept.: Environmental QualityPhone: 225-219-3581Office: Environmental Assessment

Return

Address: DEQ  
P.O. Box 4314  
Baton Rouge, LA 70821-4314

Rule

Title: Notification and Reportable  
Quantities List Updates  
(LAC 33:I.3908, 3919, and 3931)

Date Rule

Takes Effect: Upon Promulgation**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no expected implementation costs or savings to state or local governmental units by the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated significant economic benefits to directly affected persons or non-governmental groups by the proposed rule.

In the event of a common unauthorized release, the regulated community may incur the cost of modeling if the department determines that such modeling is necessary to determine if any health standards beyond the facility's property were compromised. The cost of modeling for this type of release may range from \$1,000-3,000 depending on the complexity of the event. In extraordinary unauthorized releases, this type of modeling is expected to cost between \$5,000 and \$10,000. However, it is not uncommon for the responsible facility to perform this modeling

without the department's request. Therefore, in this instance, this change may not directly affect the company with regards to modeling.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition or employment by the proposed rule.

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature  
LFO 03/09/2001

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This proposed rule adds a section that requires the owner or operator of any source that releases an unauthorized amount of a toxic air pollutant at a rate greater than the reportable quantity listed in LAC 33:I.3931 to determine compliance with the appropriate ambient air standard listed in LAC 33:III.5112, Table 51.2, when the modeling is requested by the department. The modeling results are to be reported within the time frame specified by the department at the time the modeling is requested. This rule also modifies the table of reportable quantities in LAC 33:I.3931 for total HRVOC and amends the regulations for reporting the discovery of releases to groundwater.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

A new section is added that requires modeling results to be reported to the department of a toxic air pollutant release at a rate greater than the reportable quantity. The added section allows the department to investigate unexplained air toxics monitored concentrations without a readily identifiable source. The proposed rule modifies the table of reportable quantities in LAC 33:I.3931 to include ethylene and propylene. The notification requirements for the discovery of groundwater contamination are being restored to the original intent of the regulations prior to the amendment of LAC 33:I.3919 in August 2004.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session  
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase of expenditures is expected.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) \_\_\_\_\_ Yes. If yes, attach documentation.  
(b) \_\_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.



**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 06-07	FY 07-08	FY 08-09
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.			
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule should not result in any increase or decrease in costs to implement the proposed action.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 06-07	FY 07-08	FY 08-09
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency has sufficient funds to implement the proposed rule.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There should be no impact from the proposed action on the local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This question is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT****WORKSHEET****II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 06-07	FY 07-08	FY 08-09
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
RESTRICTED FUNDS* _____			
FEDERAL FUNDS _____			
LOCAL FUNDS _____			
TOTAL	0	0	0

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This question is not applicable.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

These costs are difficult to quantify. For extraordinary unauthorized releases (ex. major storage vessel failures), which rarely occur, the department would be more likely to request such modeling. This type of modeling is expected to cost between \$5,000 and \$10,000. However in such extraordinary unauthorized releases, it is not uncommon for the responsible facility to perform this modeling without the department's request. Therefore this change may not directly affect the company with regards to modeling.

On the other hand, in the event of a common unauthorized release, the regulated community may incur the cost of modeling if the department determines that such modeling is necessary to determine if any health standards beyond the facility's property were compromised. It is not easy to predict how many of these releases may occur, and there is no way to predict how often the department would require such modeling (estimate less than 1-2 percent of all common unauthorized releases). The cost of modeling may range from \$1,000-3,000 depending on the complexity of the event.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This question is not applicable.

#### **IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no impact from the proposed action on competition or employment in the public or private sector.